

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TRANSPORTES NAVIEROS Y	:	
TERRESTRES, S.A. DE D.V.,	:	
	:	
Plaintiff,	:	
	:	07-CV-3076(LAP)
- against -	:	
	:	
FAIRMOUNT HEAVY TRANSPORT N.V.,	:	
	:	
Defendant,	:	
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**DECLARATION OF WESLEY FREEMAN**

I, WESLEY FREEMAN, testify as follows:

1. I am president of Con-Dive, LLC.
2. Because the CABALLO AZTECA was unavailable, Con-Dive was forced to enter into another charter agreement for a replacement vessel. A copy is attached, along with related documents evidencing services associated with the charter.
3. The replacement charter was structured differently than the CABALLO AZTECA charter. The CABALLO AZTECA charter was for a lump sum daily payment, which included the vessel and all services. The replacement charter had a lower day rate, plus additional charges for mobilization and demobilization and also for services relating to the use of the vessel.
4. The replacement vessel was delivered to Con-Dive, LLC on or about April 20, 2006. This was for the same work that we had previously contracted the CABALLO AZTECA to perform.
5. I consider this to be confidential business information and request that this information only be used in a court proceeding if it is subject to a confidentiality agreement.

*Wesley Freeman*

I attest under penalty of perjury under the laws of the United States that I believe the foregoing statements to be true and correct.

Signed this 17 day of May, 2007.

  
WESLEY FREEMAN